



94TH GENERAL ASSEMBLY
State of Illinois
2005 and 2006
HB2482

Introduced 02/17/05, by Rep. Monique D. Davis

SYNOPSIS AS INTRODUCED:

625 ILCS 5/11-212

Amends the Illinois Vehicle Code. Provides that, in the study of traffic stops that is being conducted until December 31, 2007, the information gathered during each stop shall include whether or not a dog was used in the course of a search. Provides that, if a dog was used in the course of a search, the study shall note the results of the search. Effective immediately.

LRB094 10581 DRH 40885 b

FISCAL NOTE ACT
MAY APPLY

STATE MANDATES
ACT MAY REQUIRE
REIMBURSEMENT

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Section 11-212 as follows:

6 (625 ILCS 5/11-212)

7 Sec. 11-212. Traffic stop statistical study.

8 (a) From January 1, 2004 until December 31, 2007, whenever
9 a State or local law enforcement officer issues a uniform
10 traffic citation or warning citation for an alleged violation
11 of the Illinois Vehicle Code, he or she shall record at least
12 the following:

13 (1) the name, address, gender, and the officer's
14 subjective determination of the race of the person stopped;
15 the person's race shall be selected from the following
16 list: Caucasian, African-American, Hispanic, Native
17 American/Alaska Native, or Asian/Pacific Islander;

18 (2) the alleged traffic violation that led to the stop
19 of the motorist;

20 (3) the make and year of the vehicle stopped;

21 (4) the date and time of the stop;

22 (5) the location of the traffic stop;

23 (6) whether or not a search contemporaneous to the stop
24 was conducted of the vehicle, driver, passenger, or
25 passengers; and, if so, whether it was with consent or by
26 other means; and

27 (7) the name and badge number of the issuing officer.

28 (a-1) From the effective date of this amendatory Act of the
29 94th General Assembly until December 31, 2007, whenever a State
30 or local law enforcement officer issues a uniform traffic
31 citation or warning citation for an alleged violation of the
32 Illinois Vehicle Code, he or she shall also record the

1 following:

2 (1) whether or not a dog was used in the course of a
3 search of the vehicle; and

4 (2) if a dog was used in the course of a search of the
5 vehicle, the results of that search.

6 (b) From January 1, 2004 until December 31, 2007, whenever
7 a State or local law enforcement officer stops a motorist for
8 an alleged violation of the Illinois Vehicle Code and does not
9 issue a uniform traffic citation or warning citation for an
10 alleged violation of the Illinois Vehicle Code, he or she shall
11 complete a uniform stop card, which includes field contact
12 cards, or any other existing form currently used by law
13 enforcement containing information required pursuant to this
14 Act, that records at least the following:

15 (1) the name, address, gender, and the officer's
16 subjective determination of the race of the person stopped;
17 the person's race shall be selected from the following
18 list: Caucasian, African-American, Hispanic, Native
19 American/Alaska Native, or Asian/Pacific Islander;

20 (2) the reason that led to the stop of the motorist;

21 (3) the make and year of the vehicle stopped;

22 (4) the date and time of the stop;

23 (5) the location of the traffic stop;

24 (6) whether or not a search contemporaneous to the stop
25 was conducted of the vehicle, driver, passenger, or
26 passengers; and, if so, whether it was with consent or by
27 other means; and

28 (7) the name and badge number of the issuing officer.

29 (b-1) From the effective date of this amendatory Act of the
30 94th General Assembly until December 31, 2007, whenever a State
31 or local law enforcement officer stops a motorist for an
32 alleged violation of the Illinois Vehicle Code and does not
33 issue a uniform traffic violation or warning citation for an
34 alleged violation of the Illinois Vehicle Code, he or she shall
35 complete a uniform stop card, which includes field contact
36 cards, or any other existing form currently used by law

1 enforcement containing information required pursuant to this
2 Act, that records the following:

3 (1) whether or not a dog was used in the course of a
4 search of the vehicle; and

5 (2) if a dog was used in the course of a search of the
6 vehicle, the results of that search.

7 (c) The Illinois Department of Transportation shall
8 provide a standardized law enforcement data compilation form on
9 its website.

10 (d) Every law enforcement agency shall, by March 1 in each
11 of the years 2004, 2005, 2006, and 2007, compile the data
12 described in subsections (a) and (b) on the standardized law
13 enforcement data compilation form provided by the Illinois
14 Department of Transportation and transmit the data to the
15 Department.

16 (e) The Illinois Department of Transportation shall
17 analyze the data provided by law enforcement agencies required
18 by this Section and submit a report of the findings to the
19 Governor, the General Assembly, and each law enforcement agency
20 no later than July 1 in each of the years 2005, 2006, 2007, and
21 2008. The Illinois Department of Transportation may contract
22 with an outside entity for the analysis of the data provided.
23 In analyzing the data collected under this Section, the
24 analyzing entity shall scrutinize the data for evidence of
25 statistically significant aberrations. The following list,
26 which is illustrative, and not exclusive, contains examples of
27 areas in which statistically significant aberrations may be
28 found:

29 (1) The percentage of minority drivers or passengers
30 being stopped in a given area is substantially higher than
31 the proportion of the overall population in or traveling
32 through the area that the minority constitutes.

33 (2) A substantial number of false stops including stops
34 not resulting in the issuance of a traffic ticket or the
35 making of an arrest.

36 (3) A disparity between the proportion of citations

1 issued to minorities and proportion of minorities in the
2 population.

3 (4) A disparity among the officers of the same law
4 enforcement agency with regard to the number of minority
5 drivers or passengers being stopped in a given area.

6 (5) A disparity between the frequency of searches
7 performed on minority drivers and the frequency of searches
8 performed on non-minority drivers.

9 (f) Any law enforcement officer identification information
10 or driver identification information that is compiled by any
11 law enforcement agency or the Illinois Department of
12 Transportation pursuant to this Act for the purposes of
13 fulfilling the requirements of this Section shall be
14 confidential and exempt from public inspection and copying, as
15 provided under Section 7 of the Freedom of Information Act, and
16 the information shall not be transmitted to anyone except as
17 needed to comply with this Section. This Section shall not
18 exempt those materials that, prior to the effective date of
19 this amendatory Act of the 93rd General Assembly, were
20 available under the Freedom of Information Act.

21 (g) Funding to implement this Section shall come from
22 federal highway safety funds available to Illinois, as directed
23 by the Governor.

24 (h) The Illinois Department of Transportation, in
25 consultation with law enforcement agencies, officials, and
26 organizations, including Illinois chiefs of police, the
27 Department of State Police, the Illinois Sheriffs Association,
28 and the Chicago Police Department, and community groups and
29 other experts, shall undertake a study to determine the best
30 use of technology to collect, compile, and analyze the traffic
31 stop statistical study data required by this Section. The
32 Department shall report its findings and recommendations to the
33 Governor and the General Assembly by March 1, 2004.

34 (Source: P.A. 93-209, eff. 7-18-03.)

35 Section 99. Effective date. This Act takes effect upon

1 becoming law.